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by a deed of the tenant in tail. The statute, so far as it related to remainders and reversions existing at the time of its passage, was attacked as permitting a taking of property without due process of law. *Held*, that it is unconstitutional. *Green v. Edwards*, 77 Atl. 188 (R. I.). See NOTES, p. 144.

EVIDENCE — SIMILAR FACTS AND OCCURRENCES — CRIMES RESULTING FROM SIMILAR MOTIVE AS PROOF OF CRIME AT ISSUE. — The defendant was indicted for statutory rape. *Held*, that evidence of prior intercourse between the parties is admissible. *People v. Boero*, 110 Pac. 525 (Cal., Ct. App.).

The defendant was indicted for incest. *Held*, that evidence of prior intercourse between the parties is inadmissible. *Pridemore v. State*, 129 S. W. 1112 (Tex., Ct. Cr. App.). See NOTES, p. 148.

GENERAL AVERAGE — NATURE, CAUSE, AND MANNER OF SACRIFICE — EFFECT OF INHERENT VICE OF CARGO UPON RIGHT TO CONTRIBUTION. — A cargo of garbage tankage took fire by spontaneous combustion, and the rest of this cargo was destroyed in putting out the fire, to save the common venture. Neither the cargo-owner nor the ship-owner knew of its dangerous character. The plaintiff insurance company had to indemnify the cargo-owner, and libelled the vessel for a general average contribution. *Held*, that the plaintiff is entitled to this contribution. *The Wm. J. Quillan*, 180 Fed. 681 (C. C. A., Second Circ.).

This reverses a former decision in the same case. See 23 HARV. L. REV. 483; 22 *id.* 452; and for a discussion of the principles involved, 21 *id.* 369.

GIFTS — CAUSA MORTIS — EFFECT OF SUBSEQUENT WILL. — Several days before his death a testator made to the plaintiff a *donatio causa mortis* of three deposit notes amounting to £2,000, and the same day made a will bequeathing her £2,000. The plaintiff sued for the sum secured by the deposit notes. The defendant, the executor of the will, contended that the legacy satisfied the *donatio*. *Held*, that the plaintiff can recover. *Hudson v. Spencer*, 54 Sol. J. 601 (Eng., Ch. D., June 8, 1910).

One early case holds that a subsequent will may satisfy a debt thus created. *Jones v. Selby*, Prec. Ch. 300. But there the *donatio*, being made three years before the testator's death, was hardly *causa mortis*, and the decision scarcely warrants the contention that a bequest of a similar amount revokes a preceding death-bed gift. And a later will leaving the same *res* to a different person does not revoke the gift. *Nicholas v. Adams*, 2 Whart. (Pa.) 17. *Contra*, *Jayne v. Murphy*, 31 Ill. App. 28. This is justified on the ground that title to the gift becomes absolute at the moment of death, so that the will has no effect on it. In England the death of the donor is a condition precedent to the vesting of title in the donee. *Tate v. Hilbert*, 2 Ves. Jr. 111. But in most American jurisdictions a defeasible title vests at once. *Emery v. Clough*, 63 N. H. 552. It is universally agreed, however, that the gift is revocable by the donor during life. *Parker v. Marston*, 27 Me. 196. It is therefore argued that the intent to revoke is shown by the similarity of the bequest to the gift. *Jayne v. Murphy*, *supra*. But such a decision is in direct conflict with the kindred rule governing bequests contained in both a will and codicil. *Roch v. Callen*, 6 Hare 531.

HUSBAND AND WIFE — WIFE'S SEPARATE ESTATE — ESTATE BY ENTIRETY: WHETHER JUDGMENT DEBT OF HUSBAND BECOMES LIEN ON THE LAND. — A husband and wife held an estate by the entirety in mortgaged land. The property was sold under a decree of foreclosure, and judgment creditors of the husband claimed a lien on the surplus funds. The husband and wife petitioned to have the surplus paid to them. *Held*, that it shall remain in court to await severance of the estate by death, then to go to the wife or the husband's cred-